



Interview Summary: The Honourable Marco Mendicino, Minister of Public Safety

This interview summary should be read in conjunction with: Public Safety's Institutional Report; the witness summary for Minister Blair; and the witness summary for the Public Safety panel, which consisted of Rob Stewart (Deputy Minister), Talal Dakalbab (Assistant Deputy Minister of the Crime Prevention Branch), Dominic Rochon (Senior Assistant Deputy Minister of the National Cyber Security Branch) and Deryck Trehearne (Director General of the Government Operations Centre).

Minister Mendicino was interviewed by Shantona Chaudhury, Yves Côté, Gordon Cameron, and Alexandra Heine on September 5, 2022. Questions about this summary should be directed to Mr. Cameron.

Text contained in [square brackets] consists of explanatory notes provided by Commission Counsel to assist the reader.

Background

The Honourable Marco Mendicino was appointed as Minister of Public Safety in October 2021. [The Honourable Bill Blair was appointed as President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness. The Department of Public Safety and Emergency Preparedness still falls under the responsibility of Minister Mendicino; however, in the Prime Minister's Mandate Letters, he assigned leadership responsibilities and other commitments in the matters of public safety and emergency preparedness to both Ministers, and the Department provides support to both Ministers.]

As Minister of Public Safety, Minister Mendicino has primary responsibility for five partner agencies that execute Public Safety's mandate, which include the Royal Canadian Mounted Police ("**RCMP**"), the Canadian Security Intelligence Service ("**CSIS**"), and the Canada Border Services Agency ("**CBSA**"). Public Safety plays a coordinating role with these agencies to ensure that national security and public safety is maintained at all times, and Minister Mendicino is directly accountable for the law enforcement side of the agencies. In normal times, he meets with the Commissioner of the RCMP, the Director of CSIS, and the President of the CBSA approximately once a week.

The Deputy Minister of Public Safety at the relevant time was Rob Stewart. The Deputy Minister's role is to give Minister Mendicino advice on the wide range of issues that fall within the Minister's mandate.

Minister Mendicino also works closely with his Chief of Staff, Mike Jones, and his Director of Communications, Alexander Cohen. Mr. Jones' role is to oversee communications, policy development and issue management. During major events, he coordinates with his counterparts in other ministers' offices and with colleagues in other federal departments.



For his part, Mr. Cohen has strategic oversight of communications on the political side. He prepares announcements and press releases for Minister Mendicino, and coordinates with the agencies that fall within Public Safety's mandate to ensure that the Minister has a line of sight on the public announcements of those agencies.

Role during the Convoy

Throughout the Freedom Convoy ("**Convoy**") events, the RCMP, CSIS and CBSA reported directly to Minister Mendicino and other ministerial colleagues and federal officials, who then relayed the information to other Cabinet ministers.

In consultation with federal public safety partners, Minister Mendicino inquired if there were any additional tools or resources that could be offered to the RCMP, CSIS, and CBSA to assist them with restoring national security and public safety. As Minister Mendicino explained, Public Safety remained in direct communication with the law enforcement side of these agencies.

With regards to his engagement with law enforcement, Minister Mendicino emphasized that at all times he and the federal government respected the operational independence of law enforcement while ensuring sufficient tools or people were in place to maintain public order. This principle informed the way he communicated with law enforcement officials, including the Commissioner of the RCMP, Brenda Lucki. Specifically, he explained that his communications to Commissioner Lucki were limited to asking whether there were additional resources that the RCMP needed or additional techniques that the RCMP could use, within the confines of existing authorities that could be used to restore public safety, as well as receiving operational updates.

Minister Mendicino also explained that Deputy Minister Stewart played an important role during the Convoy. Deputy Minister Stewart had frequent communications with the National Security and Intelligence Advisor ("**NSIA**"), as well as his counterparts in the RCMP, CSIS, CBSA, and Transport Canada, receiving inputs from these different stakeholders. In that sense, the Minister and Deputy Minister played very similar roles. Minister Mendicino indicated that he was also having bilateral communications with the NSIA and the Deputy Ministers from other departments. Deputy Minister Stewart had meetings with his federal deputy ministerial counterparts and briefed Minister Mendicino about those interactions.

Involvement in the Federal Response to the Convoy

Minister Mendicino attended the meetings of the Cabinet Committee on Safety, Security and Emergencies ("**SSE**"). [The SSE's mandate is to consider threats and risks to the safety and security of Canada and Canadians. It manages ongoing emergencies by ensuring an integrated response at the Ministerial level. The SSE has regularly scheduled meetings and can also be convened on an *ad hoc* basis, as required. During the Convoy, the SSE meetings occurred on February 3, 6, and 8, 2022, when its role in dealing with



the Convoy was replaced by the Incident Response Group (“**IRG**”). The other attendees included Minister Blair, who chaired the meetings, and Commissioner Lucki.]

Minister Mendicino also attended the meetings of the IRG. [The IRG serves as a dedicated forum in the event of a national crisis or during incidents elsewhere that have major implications for Canada. It is responsible for coordinating a prompt federal response to an incident and making fast, effective decisions. IRG is chaired by the Prime Minister and has no fixed membership: as a working group of Ministers, membership may consist of relevant Ministers (in the case of the Convoy, including Minister Mendicino) and senior government leadership, as needed, based on the nature of the incident. The IRG had its first meeting on February 10. It met again on February 12, 13, and 16, and every day thereafter until February 23.]

Further, Minister Mendicino attended what were called the tripartite meetings. [These meetings were convened with the objective of bringing together representatives from all three levels of government in Ottawa (federal, provincial and municipal) to coordinate a response to the Convoy. Representatives from the City of Ottawa (the Mayor and Chief Sloly), and the federal government (Minister Mendicino, Minister Blair, and Deputy Minister Stewart) attended these meetings. The Government of Ontario (“**Ontario**”) declined to participate.]

The Arrival of the Convoy

Minister Mendicino first learned of the Convoy towards the end of January, through open-source media and through a briefing that he and Minister Blair received on January 27. Minister Mendicino stated that he received additional briefings at the beginning of the Convoy from the RCMP, CSIS, CBSA, Public Safety officials, Privy Council Office officials, Minister Blair, and the Minister of Intergovernmental Affairs (the “**Daily Briefings Group**”). Minister Mendicino described the Daily Briefings Group as a repository of information. It ensured that information was properly and efficiently shared. The group expanded later to include additional departments, such as Transport Canada.

Minister Mendicino explained that the stated objective of the Convoy was to compel the revocation of all COVID-19 public health measures by threatening to overthrow the federal government. This objective was made clear in the Memorandum of Understanding drafted by the group Canada Unity, which was a document addressed to the Governor General requesting the dissolution of the federal government.

Minister Mendicino also recalled that the Convoy’s objective was supported by some elements of ideologically motivated violent extremism (“**IMVE**”) amplified by well-known anti-government figureheads who were ready to take up arms and incite serious violence. As an example, he noted that Patrick King posted on social media that the Convoy would “end in bullets”. This registered with Minister Mendicino and caused him to believe that there were individuals associated with the Convoy who were prepared to go beyond what could be seen as a lawful protest in order to erode confidence in Canada’s democratic system. As examples, Minister Mendicino referenced the fact that hundreds of Criminal



charges were laid by police and the use of a military styled vehicle breached a barricade set up by law enforcement at the Pacific Highway Port of Entry, in Surrey British Columbia.

Intelligence about the Convoy and Threat Assessments

Minister Mendicino explained that he was confident that Public Safety's national security agencies such as CSIS relayed the best intelligence and threat assessments they could, taking into consideration the challenges that such agencies face. He noted that CSIS has limited authority to share intelligence with other government agencies such as the RCMP, and vice-versa. For example, the RCMP's intelligence about the protesters who hid firearms in Coutts was not necessarily accessible to CSIS. Though Public Safety tried to overcome some of these challenges through the Daily Briefings Group, the constraints remained difficult to maneuver.

Minister Mendicino also drew a distinction between assessing threats to national security caused by individuals or defined groups of interests, and assessing the threats caused by IMVE rhetoric online. The current legislative tools available to CSIS are designed to address the former. For example, when CSIS identifies an individual that is threatening national security, it can seek a warrant. Those same tools are not effective for assessing IMVE threats arising online, because of legal constraints and because such rhetoric may be circulated on unconventional social media platforms that are difficult to penetrate [e.g. the dark web], or disseminated by people using pseudonyms thus making it difficult to monitor.

As Minister Mendicino noted, Public Safety is re-assessing what additional tools the agencies that fall within its mandate may need to respond to the evolving national security threats caused by IMVE. He hopes the Commission's recommendations will touch on this issue.

Foreign Interference

Minister Mendicino explained that he was concerned about foreign interference and its impact on the Convoy's funding. He explained that two platforms were launched to raise funds: GoFundMe and then GiveSendGo. The second platform was launched because GoFundMe suspended the Convoy's fundraiser, which was a significant event.

Both platforms collected a large amount of funds in a short period of time. The source of this funding was, at the time, concerning. Minister Mendicino was concerned that unidentified foreign actors were donating funds and he believed a majority of the contributions to one of these platforms came from abroad. Regardless, he was concerned about the risk of foreign interference through masked or anonymous donations, which could have a direct tangible impact on the protestors' ability to stay entrenched by allowing them to stay fueled and to acquire other means of undermining public security.



Law Enforcement

The Ottawa Police Service

Minister Mendicino stated that the Ottawa Police Service (“**OPS**”) was challenged in their state of preparedness for the Convoy because the events were unprecedented. There were 500 trucks entrenched on Wellington Street, and 8,000 protesters in the Parliamentary Precinct, and the assessment of the RCMP was that they were undermining public safety. There were examples of violence in the early days: police officers were being threatened and pushed back when they attempted to enforce and there was a state of concern about the presence of an unknown number of firearms. Protestors were also bringing in large volumes of fuel in jerry cans, there were weaponized trucks and cranes. 911 lines were overrun with fake calls. As time went on, it became more and more difficult to restore public safety.

Minister Mendicino was briefed on the challenges that the OPS was facing by Commissioner Lucki and her team through the Daily Briefings Group and later, through the meetings of the IRG.

The challenges that the OPS was facing led them to make a request for federal assistance.¹ As Minister Mendicino stated, the government responded very quickly to this request. Specifically, he said that approximately 500 RCMP officers were deployed to assist the OPS prior to the invocation of the *Emergencies Act* (the “**Act**”) on February 14. Approximately 700 additional officers were deployed after the invocation of the *Act*. These officers were assigned to the OPS specifically for the purpose of restoring public safety. As he stated, this showed the federal government’s willingness to lend resources to respond to the situation.

When asked whether he was aware that there was a dispute regarding the number of RCMP officers that were being deployed to the OPS, Minister Mendicino responded that he was confident that Commissioner Lucki accurately reported to him the total number of RCMP officers that were made available to the OPS. He noted, however, that the RCMP expressed concerns about the absence of an OPS plan. As the police of jurisdiction, the OPS’s role was to coordinate the law enforcement response and manage how additional resources provided by the RCMP and other police services like the Ontario Provincial Police (“**OPP**”) were deployed. The absence of a plan raised questions about how those resources would be used.

The Minister also recalled having discussions with the Commissioner on whether there were authorities under the *Royal Canadian Mounted Police Act*, that they could rely on to

¹ February 7 letter to the Prime Minister and Minister Mendicino from Mayor Watson and Diane Deans regarding request for additional police resources, **SSM.CAN.00000084_REL**.



assist the OPS, and whether they could use article 9 [of Provincial Police Service Agreements] to mobilize RCMP officers from other provinces to respond to the situation.

Minister Mendicino emphasized that the OPS was not the only police force that was having difficulty managing the Convoy. Police forces in other jurisdictions [such as Windsor and Coutts] were also facing significant challenges in trying to clear out the blockades at the ports of entry (“**POEs**”).

The Engagement Proposal

[On February 10, Deputy Minister Stewart reached out to the OPP Inspector, Marcel Beaudin, to discuss diffusing the events and providing incentives for the protesters to leave Ottawa. Inspector Beaudin oversees the OPP’s Provincial Liaison Team, which develops relationships with protesters and others in the community. On February 11, the Deputy Minister met with Inspector Beaudin. They drafted what was called the “Engagement Proposal”, which was a plan to offer the Convoy organizers a meeting in exchange for the organizers asking the truck drivers to exit the downtown core and denouncing criminal activity.]

Minister Mendicino was asked about an engagement proposal. He explained that there was a real effort to explore all options, including negotiations with the Convoy organizers. Specifically, he recalled that in the first week or so, he had discussions with Public Safety officials and the Prime Minister about identifying a potential interlocutor who could represent the federal government and have a constructive dialogue with the organizers. Ultimately, this did not come to fruition because there were questions left unanswered about which Convoy organizers were actually in charge and who amongst the organizers had the authority or ability to order the protesters to leave. Minister Mendicino stated that they were also concerned about the safety and security of the interlocutor. Minister Mendicino indicated that negotiations were more appropriately within the mandate of law enforcement.

Minister Mendicino explained that their concerns with engagement were validated when the Mayor of Ottawa tried to come to an agreement with Tamara Lich on February 13 to move trucks out of residential areas in Ottawa. After the agreement was announced, comments were made from Ms. Lich and other Convoy organizers dissociating themselves from the deal. Other Convoy organizers, like Pat King, told protesters to stand their ground. Minister Mendicino added that even though some trucks were ultimately moved out of residential areas pursuant to the agreement, they were relocated into the downtown core and entrenching themselves, which was a real problem.

Chief Peter Sloly’s Resignation

Minister Mendicino stated that he could not speak to whether there was a relationship between the resignation of the OPS Chief Peter Sloly and the protest ending in Ottawa. He explained that in a sense, it did not matter whether it was Chief Sloly or someone else in the chair, law enforcement and the government had a job to do. And when Interim Chief



Steve Bell took over, the federal government continued to work with him to restore public safety through the invocation of the Act.

Engagement with the United States

Minister Mendicino stated that the highest officials in the US government were concerned about the impact of the Convoy on international relations, international trade, and border sovereignty.

Minister Mendicino explained that the Secretary of Homeland Security in the United States (“US”), Alejandro Mayorkas, initiated a call with him [on February 11]. On the call, Secretary Mayorkas expressed concerns about the blockades at the POEs and their impact on the flow of goods and essential services for both economies. Minister Mendicino stated that by February 11, the blockades were having a significant impact on food, fuel and health services. Thousands of people were laid off from their jobs and hundreds of millions of dollars were on the line.

Minister Mendicino noted that the US was also concerned about copycat Convoy movements in the US. They were particularly anxious about this given that the January 6, 2021, US Capitol attack had occurred almost one year before the Convoy.

On the call, Secretary Mayorkas offered assistance. They discussed whether there were any authorities and resources that the US could deploy, such as tow trucks.

Engagement with the Provinces

The Government of Ontario

Minister Mendicino explained that he had good lines of communication with Premier Ford and the Solicitor General of Ontario, Sylvia Jones prior to the invocation of the *Emergencies Act*. He also noted that the Minister of Intergovernmental Affairs had discussions with Premier Ford, that Deputy Minister Stewart had good lines of communication with the Solicitor General’s deputy minister, and that the RCMP communicated effectively with the OPP.

Minister Mendicino stated that Premier Ford and the Solicitor General were concerned about the situation in Ottawa and Windsor. On February 1, Premier Ford stated in a press conference that he was extremely disturbed by the Convoy and that it was time for the protesters to go home. Minister Mendicino was also involved in conversations in which the Premier and Solicitor General expressed their concerns about the need to bring the situation back under control. Those concerns were heightened by the Ambassador Bridge blockade, which started on February 7.

Minister Mendicino stated that despite the Convoy being a stressful situation for both the federal and provincial governments, they managed to communicate effectively and were ultimately aligned in their view that public order had to be restored. Indeed, on February



11, Ontario invoked its *Emergency Management and Civil Protection Act*, RSO 1990, c. E.9 ("**EMCPA**"), which was further evidence that the Convoy was a public order event that posed a public safety threat in Ontario. The federal government publicly supported this decision.

Though the *EMCPA* assisted in restoring public order in Windsor, Minister Mendicino stated that it did not provide for all the powers that were needed to fully restore public order across the country.

The Government of Alberta

Minister Mendicino explained that he had good lines of communication with Government of Alberta ("**Alberta**") officials. He said that in early February, Premier Kenney contacted him to express concerns about the Alberta government's ability to end the Coutts blockade. Premier Kenney had requested additional resources.

According to Minister Mendicino, Premier Kenney specifically asked for help procuring large tow trucks because contractors in Alberta were not forthcoming. There were reports of threats against tow truck contractors. He also asked about additional Canadian Armed Forces and law enforcement resources to assist the RCMP in Coutts.

When asked whether he had any discussions with Alberta about its reluctance to use the *Critical Infrastructure Defence Act*, [SA 2020, c C-32.7], Minister Mendicino responded that conventional legal authorities were not effective at restoring public safety in Coutts, given the nature of the blockade.

*The Invocation of the **Emergencies Act***

The First Minister's Meeting

The intent of the First Minister's Meeting, [which occurred on the morning of February 14], was to solicit the views of the Provinces on what was available in terms of existing authorities and tools. Minister Mendicino recalled that the Prime Minister made specific reference to the fact that the federal government was examining all options. There were good lines of communications and many provinces supported the decision to invoke the *Act*. Other provinces did not support it.

The Decision to Invoke the Act

Minister Mendicino stated that discussions about invoking the *Act* came into sharper focus after the Prime Minister convened the IRG on February 10. At that point, the members of the IRG started seriously contemplating how the *Emergencies Act* could be used as a tool by law enforcement at all levels [meaning municipal, provincial and federal police]. For example, they discussed how the *Act* could give law enforcement the power to compel tow truck drivers. When asked whether he was aware that tow trucks had been secured on February 13 by the OPP, he answered that although some progress had been made,



there were ongoing concerns about additional tools for law enforcement. He cited reports of efforts by some illegal blockade participants to return to ports of entry.

Minister Mendicino also emphasized that the decision to invoke the *Act* was made in response to an unprecedented event. The Convoy participants' resolve to dig in and their preparedness to resort to violence posed unprecedented and significant challenges to law enforcement, including the federal government's national security apparatus. Further, the Convoy occurred in a short time frame as a result of the ideologically violent extremist rhetoric that was used to mobilize people, and the participants mobilized around critical infrastructure such as the POEs, legislative assemblies and Parliament. They planned to become entrenched, which was a very deliberate and conscious tactic.

Minister Mendicino was asked about information Commissioner Lucki sent him on February 13, through his Chief of Staff, stating her view at the time that:

[W]e have not yet exhausted all available tools that are already available through the existing legislation. There are instances where charges could be laid under existing authorities for various *Criminal Code* offences occurring right now in the context of the protest. The Ontario *Provincial Emergencies Act* just enacted will also help in providing additional deterrent tools to our existing toolbox.²

Minister Mendicino answered that this email caused him to recognize that there was a real effort on the part of law enforcement to squeeze every last drop of existing authorities to restore public safety, to then be able to confidently say that the *Act* was truly a measure of last resort. This, he stated, was the right thing for Commissioner Lucki to be advising him at that time.

Minister Mendicino emphasized that the decision to invoke the *Act* was a decision for government and a judgment call. It was also necessary, given that law enforcement was unable to restore public safety across the country for the three weeks of protests and blockades. The decision, he added, was made based on all the facts and information they were getting from other federal agencies, the OPS, and the Mayor of Ottawa. For example, Minister Mendicino described Chief Sloly's February 2 statement that there may not be a policing solution to the Convoy as a cry for assistance and an obvious foreshadowing of the invocation of the *Act*. He also referenced the Mayor of Ottawa's public statements about how the situation was uncontrollable and ungovernable, the declaration of emergency by the City, and some of the powers invoked under the provincial *Emergency Management and Civil Protection Act*.

² Email from Mike Jones to Minister Mendicino and Deputy Minister Stewart, February 13, 08:56 p.m. (EST), February 14, 00:56:48 a.m. (GMT), conveying the information from Commissioner Lucki to the Minister **PB.NSC.CAN.00003256_REL**; **SSM.NSC.CAN.00002280_REL**.



As Minister Mendicino said, the federal government's decision to invoke the *Act* was validated by the fact that law enforcement were able to restore public order within days of its invocation. Further, he explained that after the *Act* was invoked, the Ontario Association of Chief of Police and the Canadian Association of Chiefs of Police reached out to extend their support, describing the situation as an “unprecedented” public order event. This spoke volumes as to mindset of police about the necessity and usefulness of the tools that the measures under the *Act* provided to law enforcement.³

Minister Mendicino characterized the government's decision to invoke the *Act* as one that was made with great reluctance, but that was necessary given the totality of the circumstances. Tying together the size, scale and the duration of the Convoy, as well as the symbolism surrounding it and the motivation of the protesters to erode confidence in Canada's democracy, the events were something that Canada had never seen before. They had a tangible and direct impact on the Canadian economy, its trade relations, and the health and safety of Canadians. After three weeks of law enforcement being unable to restore public order at the seat of the federal government, it was time for the government to make a decision. Minister Mendicino noted that he was personally concerned that if the government did not act, Ottawa residents, who were tired and angry, would take matters into their own hands, which could result in violence.

The Emergency Measures Regulations and Emergency Economic Measures Order

Minister Mendicino stated that Public Safety acted as a central repository for input from the CBSA and RCMP about the gaps in existing authorities that could be filled by the *Emergency Measures Regulations*, [SOR/2022-21] (“**EMRs**”), and the *Emergency Economic Measures Order*, [SOR/2022-22] (“**EEMO**”). Minister Mendicino's responsibility was to distill that input and report on it at the meetings of the IRG. This ensured that the members of the IRG were receiving all the relevant information to make a proper decision on the measures to be included in the *EMRs* and *EEMO*. [Subsection 19(1) of the *Emergencies Act* provides that, while a declaration of public order emergency is in effect, the Governor in Council may make orders or regulations that the Governor in Council believes on reasonable grounds are necessary for dealing with the emergency. The *EMRs* and the *EEMO* were made by the Governor in Council on the recommendation of the Minister of Public Safety.]

Minister Mendicino stated that in drafting the *EMRs* and *EEMO*, the government made a concerted effort to be circumscribed: the goal was to give law enforcement additional

³ Letter to Ministers Blair and Mendicino from the Canadian Association of Chief of Police, February 19, **PB.NSC.CAN.00000553_REL**; Letter to Ministers Blair and Mendicino from the Ontario Association of Chief of Police, February 20, **PB.NSC.CAN.00000554_REL**.



tools in a targeted way for a limited period of time to restore public order without any loss of life.

Powers used Pursuant to the Act

Minister Mendicino recalled that Winnipeg used the powers under the *Act* to clear out the blockades at the legislative assembly until the day the *Act* was revoked on February 23. Specifically, the Mayor of Winnipeg told him that cautions were issued pursuant to the *Act*. Minister Mendicino did not know if charges were laid.

Minister Mendicino explained that law enforcement created a secure zone in Ottawa, pursuant to the *Act*, instead of relying on the offences of trespass and mischief to clear the downtown area. This, he explained, was a power that was informed by advice received from law enforcement. He also noted that the power to compel tow truck contractors was useful because they had refused to assist during the events due to the death threats they were receiving.

Finally, Minister Mendicino explained that the Convoy highlighted the complexity of the question of jurisdiction in the downtown core of Ottawa. There is no direct line of continuity between municipal, provincial, and federal law enforcement. It was not intuitive at all for the OPS to get the additional tools they needed to maintain public order on Wellington Street, since there were logistical obstacles. For example, RCMP officers had to get sworn in to be able to ticket and arrest individuals. [A designation as special constable under the Ontario *Police Services Act* is required for RCMP members to be empowered to enforce provincial statutes, orders or municipal bylaws in Ontario.] The *Act* removed that requirement, which made it faster to mobilize RCMP resources and assist OPS.

The Decision to Revoke the Act

Minister Mendicino explained that law enforcement was updating him throughout the post-invocation period about the situation on the ground. The government was looking for not only one example of progress, but sustained progress because even after the *Act* was invoked, the protesters made some efforts in Ottawa and Windsor to mobilize again. As soon as sustained progress was achieved and the *Act* was no longer needed, the government made the decision to revoke it.

The Section 58 Explanation

Minister Mendicino stated that multiple federal departments and officials contributed to the s. 58 explanation, including Public Safety officials who relied on readouts from key meetings and briefings that the Ministers were getting throughout the events to draft it.

The Minister was generally briefed on it. He could not recall if he contributed to the final draft.